

School in other States to better serve the autism community.

And Illinois has gone further to help families in need of financial assistance. Because the cost of autism-related services is so overwhelming, both the Illinois General Assembly and the Illinois State Senate have passed legislation requiring health plans to provide coverage for the diagnosis and treatment of autism. Like many other States throughout the country, Illinois is responding to the voices of 26,000 children saying their families need help.

Last week, the Director of the NIH, Dr. Elias Zerhouni, testified before the Labor-HHS Appropriations Subcommittee. During the hearing, I asked him to tell us what the NIH is doing with regard to research on autism. He discussed recent findings related to potential genetic links, which may help target the search for the causes of autism. For the sake of the millions of people living with autism and the families and friends who love them, we in Congress have to do our part by funding the NIH so that the research community can proceed quickly to unlock the mysteries surrounding this terrible disorder.

RULE XLIV COMPLIANCE

Mr. INOUE. Mr. President, as chairman of the Committee on the Conference of H.R. 4040, in compliance with rule XLIV of the Standing Rules of the Senate, I certify that that no provisions contained in the conference report meet the definition of a congressionally directed spending item under the rule.

HOUSING ASSISTANCE TAX ACT

SECTION 42 HOUSING PROJECTS

Mr. BINGAMAN. Mr. President, I wish to thank the chairman of the Finance Committee, Senator BAUCUS, for including language in H.R. 3221, which this body passed on July 26, to clarify the "general public use" requirement relating to the Low-Income Housing Tax Credit Program. That clarification responds to recent Internal Revenue Service guidance to State and local housing credit agencies that has cast a cloud on existing properties and future development targeted to special populations.

Since enactment of the Housing Credit Program in 1986, and prior to the recent IRS activity, the general public use requirement was understood to prohibit projects from being (1) rented in a manner inconsistent with HUD housing policies regarding non-discrimination, (2) rented to members of a social organization or to employees of specific employers, or (3) part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically disabled. This understanding has resulted in numerous sec-

tion 42 housing projects being developed nationwide that target certain populations, including, for example, veterans, farm workers, first responders, teachers, artists, low-income parents attending college, pregnant or parenting teens, and domestic abuse victims.

In my home State of New Mexico, the Housing Credit Program has been essential to the construction of housing for many low-income individuals, including housing that is specifically targeted toward farm workers. Among our great success stories is the Franklin Vista development in Anthony, NM. Units already in service at Franklin Vista are targeted specifically for farm worker housing. The current phase 7, now underway, would create an additional 24 units of farm worker housing.

Ms. CANTWELL. I also would like to thank the chairman. In my home State of Washington, the IRS action has threatened a number of innovative housing developments, involving housing for pregnant women, housing for disabled military veterans, and housing for artists that are being used as part of a larger redevelopment strategy to rebuild neighborhoods. The IRS action has been particularly problematic for State efforts to deal with the critical need increase the supply of safe, decent, and affordable housing for migrant and seasonal farm workers. About 10 years ago, Washington established a Farm Worker Housing Program that has led to the creation and preservation of over 1,065 units of permanent housing for farm workers. The IRS's recent position has not only threatened future development of such housing but could potentially result in the recapture of low-income housing tax credits for such units currently in existence, potentially bringing financial ruin to the nonprofit housing providers which have developed and operated this housing.

The language in the bill that this body passed on July 26 on general public use reflects Congress's comfort with the historical application of the general public use requirement prior to the IRS's recent activities, and Congress's intent to remove the uncertainty and risk that the IRS's recent activities have created for the section 42 program.

Mr. BINGAMAN. My understanding, Mr. Chairman, is that the general public use provision in that bill, as passed, clarifies that housing does not fail to meet the general public use requirement solely because occupancy restrictions or preferences that favor tenants with (1) special needs; (2) who are members of a specified group under a Federal program or a State program or policy that supports housing for such a specified group, or (3) who are involved in artistic or literary activities. Is that understanding correct?

Mr. BAUCUS. Yes, the Senator is correct. And for this purpose a special need may relate to the physical facilities of the property, such as a building

that offers day care, the services that are to be provided, or the circumstances of the tenants, such as low-income parents attending college. The basic structure of the low-income housing tax credit is based on the premise that the States have the prime responsibility to administer this program, and they have done an excellent job so far. They currently have the responsibility to determine the housing priorities of the State and to give priority to tenant populations with special housing needs. The newly codified general public use rule reinforces the latitude of the States to decide how housing credit dollars are allocated.

Ms. CANTWELL. I thank the chairman for that response and for his work, along with that of the ranking member, on this important issue that would permit housing credit properties to continue to serve special populations provided that the properties satisfy the nondiscriminatory tenant selection criteria and other requirements of the Low-Income Housing Tax Credit Program. I also thank the Senator from New Mexico, Mr. BINGAMAN, for his tireless leadership on this issue.

ACCESS ACT

Mr. BROWNBACK. Mr. President, I rise to speak about S. 3046 and H.R. 6270, the Access, Compassion, Care, and Ethics for Seriously Ill Patients Act or ACCESS Act. The intent of this bipartisan, bicameral legislation is to expand access to investigational treatment options for patients with serious or life-threatening diseases.

A provision of the ACCESS Act provides for three requirements for a patient to become eligible for access to investigational treatments that have completed at least phase one of the clinical trials process, labeled as compassionate investigational access, CIA. The second of the three requirements provides that a physician document in writing that a seriously ill patient has exhausted all treatment options approved by the Secretary for the condition or disease for which the patient is a reasonable candidate. For this particular provision, the intent of the congressional sponsors of the ACCESS Act is that a patient has examined, not necessarily tried, all Food and Drug Administration-approved treatment options for which the patient is a reasonable candidate.

Accordingly, it is not the intent of the congressional sponsors of the ACCESS Act that a seriously ill patient has tried every combination of treatments for which the patient is eligible before the patient is granted compassionate investigational access or expanded access to the investigational treatment. Moreover, it is not the intent of Congress that the seriously ill patient has exhausted every treatment option for which the patient is a reasonable candidate where a treatment option is known to have severe negative side effects.